

5/17/1940	John Guerry passes away
5/23/1940	Bernard Clay Gardner Sr. is appointed
3/16/1943	Judge Emeritus Act is passed
12/16/1943	Alexander Stephens passes away
1/13/1944	David Monroe Parker appointed to office
3/8/1945	Amendment to the Constitution regarding the specifications if the two divisions of the court sitting as one court.
3/9/1945	The Constitution of Georgia was amended including the section on the Judiciary.
4/7/1947	Nash Rose Broyles passes away (28 years as chief; total of 32 years and 5 months on COA)
4/10/1947	John Murphy Clagett Townsend appointed to office
6/4/1949	Parker passes away
6/8/1949	Charles William Worrill appointed to office

While in this database, use the Search and Help buttons below.

Georgia Legislative Documents



Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1943

PART I.—GENERAL PUBLIC LAWS TITLE VIII. COURT OF APPEALS.

1943 Vol. 1 -- Page: 677

Sequential Number: 255

Short Title: JUDGES EMERITUS.

Law Number: No. 339.

Full Title: An Act to create the positions of Judge Emeritus, to provide for the eligibility of persons for appointment to such positions: to provide for the method of appointment of such positions, and salaries to those holding such positions and their tenure of office: to provide that such persons holding such positions shall constitute an Advisory Appellate Council of Georgia: to provide for its duties and the duties of those holding said positions; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that there is hereby created the offices of Judge Emeritus. Persons eligible for appointment to such office shall be any Judge of the Court of Appeals of the State of Georgia who shall have attained the age of seventy years, or who on his next birthday will be seventy years of age, and shall have been in continuous service as a judge for more than ten years upon the Court of Appeals of Georgia, or the Supreme Court, or partly upon one or the other of said courts, but with continuous unbroken judicial service for ten years. The Governor shall appoint to any such position any one eligible under the provisions of this Act, who shall advise the Governor in writing that he desires to

resign from the office of Judge of the Court of Appeals and accept appointment as Judge Emeritus, and upon such appointment being made by the Governor the resignation shall automatically be effective. A Judge Emeritus shall receive an annual salary equal to two-thirds of the salary provided by law for a judge of the Court of Appeals at the time of the appointment of such Judge Emeritus.

[Sidenote: 70 years of age.]

[Sidenote: 10 years service.]

[Sidenote: Two-thirds of salary.]

Section 2. Be it further enacted, That all persons appointed to any of the foregoing offices by this Act created shall hold for life.

Section 3. Be it further enacted by the authority aforesaid that a Judge Emeritus shall constitute, or be a member of an Advisory Appellate Council, which Advisory Appellate Council is hereby created. It shall be the duty of such Advisory Appellate Council, and of its members, to consult with the Supreme Court and the Court of Appeals, and to advise and assist each of said courts in the revision of the rules of practice of the said courts, in handling the administrative duties now or hereafter placed upon said courts by law; Provided, however, that the Advisory Appellate Council and its members shall not participate, directly or indirectly, in the decision of any cases coming before the said courts for decision. It shall also be the duty of the said Advisory Appellate Council to consult with the Attorney-General and the assistants to the Attorney-General upon legal matters when their advise and consultation is requested. It shall further be the duty of the Advisory Appellate Council to consult with committees of the General Assembly, and to furnish advise and information to said committees of the General Assembly upon questions of law when their advise and assistance is requested.

[Sidenote: Advisory Appellate Council.]

[Sidenote: Administrative duties.]

[Sidenote: Advisory duties.]

Section 4. Be it further enacted, That there may be as many members of said Council as there are at any one time persons previously appointed and serving on said Council

Page: 679

under this Act, added to the number otherwise eligible under this Act to be appointed.

Section 5. Provided, however, That any Judge of the Court of Appeals who offers for re-election, and is defeated in a primary or regular election, shall not be eligible to apply for or to accept appointment as Judge Emeritus, nor shall any Judge be eligible to accept the provisions of this Act thereafter and before the expiration of the term such Judge is then serving.

[Sidenote: When eligible.]

Section 6. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approval Date: Approved March 16, 1943.

Content of Act/Resolution

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1945**

PART I

Amendment to Constitution of Georgia of 1877. Title I

1945 Vol. 1 – Page: 232

Sequential Number: 074

Short Title: COURT OF APPEALS -- ENTIRE COURT OR DIVISIONS. § 24-3501.

Law Number: No. 299.

Full Title: An Act to amend Section 24-3501 of the Code which provides that "the Court of Appeals shall consist of six Judges, who shall elect one of their number as Chief

Page: 233

Judge, in such manner and for such time as may be prescribed by rule or order of the Court. The Court shall sit in divisions of three Judges each, but two Judges shall constitute a quorum of a division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the Court. The division of which the Chief Judge is a member shall be known as the first division, and he shall be its presiding Judge. He shall designate the presiding Judge of the second division, and shall, under rules prescribed by the Court, distribute the cases between the divisions in such manner as to equalize their work as far as practicable; and all criminal cases shall be assigned to one division. Each division shall hear and determine, independently of the other, the cases assigned to it," so as to provide that the two divisions of the **Court of Appeals** shall determine certain cases sitting as one court, and so as to provide that in other cases they shall have the discretion to do so, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Section 24-3501 of the Code of Georgia of 1933 be, and the same is hereby amended, by adding to the end thereof the following: Except that from and after the first day of the April Term 1945, of the **Court of Appeals** of Georgia, the two divisions of the court, sitting as one court, shall pass on and determine each case in which there is a dissent in the division to which the case was originally assigned, unless upon consideration of the case by the two divisions as one court there is an equal division between the judges passing upon the case, in which event the case shall be decided by the division to which it was originally assigned. In all cases which involve one or more questions which in the opinion of the majority of the judges of the division to which a case is assigned should be passed upon by the two divisions sitting as one court, the questions may be presented to the

two divisions sitting as one court, and if a

Page: 234

majority of the two divisions sitting as one court decide that the question or questions involved should in their judgment and discretion be decided by the two divisions sitting as one court, the case shall be passed upon by the two divisions sitting as one court, provided that a majority of the judges passing upon the case concur in the judgment, otherwise the case shall be passed upon by the division of the court to which it was originally assigned. In neither class of cases shall there be oral argument except before the division to which the cases are originally assigned.

[Sidenote: § 24-3501 amended.]

[Sidenote: The 2 divisions sitting as one court to pass on certain cases.]

[Sidenote: When court equally divided the case shall be decided by the original division.]

[Sidenote: No oral argument in such cases.]

Section 2. Be it further enacted, that it being among the purposes of this Act to avoid and reconcile conflicts between the decisions of the two divisions and to secure more authoritative decisions, it is hereby provided that when the court sitting as one entire court composed of both divisions, the court as thus constituted may by the concurrence of as many as five judges overrule any previous decision by either division alone in the same manner as now prescribed for the Supreme Court; and as precedent, a decision by such entire court, with only a majority concurring shall take precedence over a decision by either division not concurred in by all the judges of such division. A decision concurred in by all six judges shall not be overruled or materially modified except with the concurrence of six judges.

[Sidenote: Cases overruled.]

Section 3. Be it further enacted that when both divisions are sitting together as one court four judges shall be necessary to constitute a quorum, but in all cases decided by such court as a whole by less than six judges, the concurrence of at least three shall be essential to the rendition of a judgment.

[Sidenote: Quorum.]

Section 4. All laws or parts of laws in conflict with this Act are hereby repealed.

Approval Date: Approved March 8, 1945.